



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/623,933 | 07/21/2003 | James C. Smith | | 6471 |

7590 12/28/2007
James C. Smith
336 Harder Road
Hayward, CA 94544

| |
|----------|
| EXAMINER |
|----------|

SMALLEY, JAMES N

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3781

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--------------------------|------------------|-----------------|--|
| Interview Summary | Application No. | Applicant(s) | |
| | 10/623,933 | SMITH, JAMES C. | |
| | Examiner | Art Unit | |
| | James N. Smalley | 3781 | |

All participants (applicant, applicant's representative, PTO personnel):

- (1) James N. Smalley. (3) James Smith.
 (2) Anthony Stashick. (4) _____.

Date of Interview: 11 December 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 18 and 47.


Identification of prior art discussed: The prior art of record.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

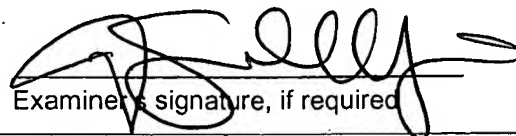
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner and Applicant agreed on amendments to claims 18 and 47 which will define over the prior art of record. The amendments comprise: a) adding "extending to a conical tip" after "conical resilient wiper section"; deleting the word "apex" and replacing it with "conical tip"; and lastly adding the word "substantially" after "said wiper finger rotating" in the locations noted in claims 18 and 47 in the attached marked up copies of the claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


 ANTHONY D. STASHICK
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Application No: 10/623,933
Filed: July 21, 2003
Applicant: James C. Smith

EB 125474367 US

IN THE CLAIMS:

CLAIMS: The following is a listing of all the claims in the application with their status.

Claims 1-17 (CANCELED)

18. (CURRENTLY AMENDED) A pipetting apparatus for transferring an internal calibrated volume of fluid having a wiping cap device for pipette tips, for removing all non-calibrated residue fluid attached to the smooth conical shaped outside surface of said a pipette tip during fluid transfer from a container, the wiping cap device comprising:

a tubular member having an open end;

a wiping cap including a base and a cup shaped member, said wiping cap coupled to said open end of said tubular member, said cup shaped member comprising a conical resilient wiper

- > section ^{extending to a conical tip} said wiper section getting smaller in the direction away from said open end to create a
- > substantial closure at the ^{conical tip} apex of said wiper section and being configured to include at least one helically formed slot extending from said substantial closure forming a wiper finger, said wiper
- > finger rotating ^{substantially} more than one revolution and being adapted to be unobstructed and resiliently held in complete circumferential contact against said outside surface of said pipette tip inserted therethrough including squeegee like means to remove all said residue fluid attached to said smooth outside surface when said pipette tip is withdrawn axially through said wiper finger whereby said outside surface has said residue fluid removed and leaving said internal calibrated fluid within said pipette tip for fluid transfer; and

said wiping cap including means for securing said wiping cap to said tubular member.

19. (PREVIOUSLY PRESENTED) The device of claim 18 wherein said means for securing said wiping cap to said tubular member includes threads formed on the outer wall of said tubular member and mating threads formed on a threaded skirt attached to and depending from the periphery of said base of said wiping cap.

20. (ORIGINAL) The device of claim 18 wherein said wiping cap between said base and said wiper section of said cup shaped member includes a frustum section adapted for mating with said tubular member so as to form a seal therebetween.
21. (ORIGINAL) The device of claim 18 wherein said wiping cap is configured to receive a locking cap within said cup shaped member so as to form a seal therebetween and sandwich said wiping cap between said locking cap and said tubular member.
22. (CURRENTLY AMENDED) The device of claim 21 wherein said locking cap is fastened to said wiping cap by hinged means, said locking cap includes a said top portion providing engageable access into said wiping cap.
23. (PREVIOUSLY PRESENTED) The device of claim 21 wherein said wiping cap and said locking cap are each coupled to said tubular member by means of a flexible member.

Claims 24-46 (CANCELED)

47. (CURRENTLY AMENDED) A sealable wiping device comprising:
- a tubular member having an open end;
 - a wiping cap including a cup shaped member configured to occlude the open end of said tubular member when said wiping cap is positioned in said open end, said cup shaped member comprising a conical resilient wiper section ^{extending to a conical tip} said conical shape of said wiper section getting smaller in diameter in the direction away from said open end to create a substantial closure at the ^{Conical tip} apex of said wiper section and being configured to include at least one helically formed slot
 - 7 extending from said substantial closure forming a wiper finger, said wiper finger rotating ^{substantially} more than one revolution and being adapted to be unobstructed and resiliently held in complete circumferential contact against the smooth conical outside surface of a pipette tip inserted therethrough, said wiper finger including squeegee like means to remove all non-calibrated residue fluid attached to said smooth ~~from said~~ outside surface of said pipette tip when said pipette tip is withdrawn axially through said wiper finger; and
 - a locking cap configured to be received into said cup shaped member of said wiping cap so as to form a seal therebetween.